

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**THE HONORABLE BARBARA J.
HOUSER (RET.), IN HER CAPACITY AS
TRUSTEE OF THE BSA SETTLEMENT
TRUST,**

Plaintiff,

v.

**ALLIANZ GLOBAL RISKS US
INSURANCE COMPANY; ALLIED
WORLD ASSURANCE COMPANY, LTD,
*et al.***

Defendants.

Civ. Action No. 3:23-cv-01592-S

UNDERSIGNED DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

The undersigned defendants (“**Undersigned Defendants**”) respectfully submit this motion to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(6), and on the basis of *Colorado River* abstention, and represent as follows:

I. MOTION TO DISMISS

For the reason outlined in the accompanying memorandum, the Court should dismiss under Federal Rule of Civil Procedure 12(b)(1) all of the Trustee’s causes of action regarding coverage for unprocessed Abuse Claims because they are unripe. In the alternative, the Court should dismiss under Federal Rule of Civil Procedure 12(b)(6) all of the Trustee’s causes of action regarding coverage for Abuse Claims, because the Complaint fails to adequately plead any cause of action upon which relief can be granted. If not mooted by the foregoing requested relief, the Court should dismiss under Federal Rule of Civil Procedure 12(b)(2) the Trustee’s causes of action against the non-resident PJ Moving Defendants (as defined in the accompanying memorandum) to the extent

they seek damages or coverage arising out of policies that were issued to entities located outside of Texas, as the Court lacks personal jurisdiction over such claims. The Court should also dismiss the Trustee's causes of action regarding a subset of Abuse Claims that are already subject to litigation in Illinois state court under the doctrine of *Colorado River* abstention.

II. ARGUMENTS AND AUTHORITIES

In accordance with Local Rule 7.1(d), Undersigned Defendants submit in support of this Motion to Dismiss a memorandum setting forth their contentions of law, and their arguments and authorities supporting dismissal, which are incorporated herein.

WHEREFORE, PREMISES CONSIDERED, Undersigned Defendants pray that this Court grant its Motion to Dismiss the Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(6), and on the basis of *Colorado River* abstention.

Dated: October 6, 2023

Respectfully submitted,

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I certify that a true and correct copy of the foregoing has been served on all counsel of record by electronic service on October 6, 2023:

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